THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.Nos.17854, 18814 & 18337 of 2005

Date:01.09.2005

W.P.No.17854 of 2005

Gadde Raghunatha Rao and others

----------Petitioners

The Government of A.P., Rep. By its Secretary,

Tribal Welfare Department, Secretariat Buildings,

Hyderabad.

----------Respondents

W.P.No.18814 of 2005

Kalagara Vighneswara Rao

----------Petitioner

The Government of A.P., Rep. By its Secretary,

Tribal Welfare Department, Secretariat Buildings,

Hyderabad.

----------Respondents

W.P.No.18337 of 2005

Bandaru Subba Rao

----------Petitioner

The Government of A.P., Rep. By its Secretary,

Tribal Welfare Department, Secretariat Buildings,

Hyderabad.

----------Respondents

COMMON ORDER:

These writ petitions are filed on the basis of apprehension. The petitioners claim to be the owners of the lands in the scheduled areas and all of them are non-tribals. In most of the cases, the proceedings were initiated against the petitioners, in relation to the lands held by them, before the Special Deputy Collectors, for resumption of lands, and they ended in their favour. Petitioners complain that though their rights have been upheld in the earlier set of proceedings, the respondents are taking steps to adjudicate the matters, contrary to the provisions of the A.P.Scheduled Areas Land Transfer Regulation, 1959 (for short 'the Regulation'). Reference is made to the order passed by this Court in W.A.No.244 of 2000, dated 27.04.2001.

In the counter affidavit filed on behalf of the respondents, it is stated that the officials of the Revenue and Tribal Welfare Departments have taken up programmes to ameliorate the living conditions of tribals and in the process, the verification of the titles in respect of the various lands in the scheduled areas is also undertaken. The respondents have made reference to certain individual disputes, in the counter affidavit.

Heard the learned counsel for the petitioners and the learned Government Pleader for Tribal Welfare.

The Regulation defines the rights of tribals and non-tribals in respect of the lands situated in the scheduled areas. The Special Deputy Collectors are conferred with the power to adjudicate such disputes. The petitioners are non-tribals. The question as to whether the sale of lands in the scheduled area in their favour is valid or not needs to be decided with reference to the relevant provisions. It is true that in the earlier round of proceedings, their rights were

upheld. However, much would depend upon the nature of the claims that were put forward at the relevant point of time. For example, if the proceedings were initiated before the Special Deputy Collector on an earlier occasion, either *suo motu* or at the instance of the Special Deputy Tahsildar, the order passed therein cannot bind an actual aggrieved person, if he was not a party to those proceedings. Much would depend upon the nature of objections that were raised and the nature of the parties that were impleaded in the earlier proceedings.

As of now, no proceedings are initiated against the petitioners. Their apprehension is that in view of the meetings conducted by the respondents, a situation may emerge, threatening their possession over the lands. However, no specific instances are pointed out. The rights of individuals vis-à-vis any landed property can be decided only on the strength of specific orders passed by the authorities conferred with the powers, under the relevant provisions of law. The petitioners can be said to have suffered any grievance, either when an order is passed by an authority contrary to their interests or when they are sought to be dispossessed from the property in contravention of the prescribed procedure. No such eventualities have taken place as yet.

Hence, the writ petitions are dismissed as premature. It, is, however made clear that the rights of the petitioners shall not be affected, except by following the procedure prescribed by law. There shall be no order as to costs.

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01.09.2005

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